

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 18 and 19 have been newly added. Support for the subject matter of the new claims is provided for example in the original claims, Figs. 1 and 5, and the specification on page 5, line 19, through page 6, line 15. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Claims 8, 9, 11-14, 16, and 17 stand rejected, under 35 USC §102(e), as being anticipated by Khan (US 2004/0203973). Claims 10 and 15 stand rejected, under 35 USC §103(a), as being unpatentable over Khan (US 2004/0203973) in view of Faerber (US 2003/0031143). The Applicants respectfully traverse these rejections in accordance with the points set forth hereinbelow.

Claim 8 defines a radio receiving apparatus that transmits a suspend signal to a radio transmitting apparatus based on a measured reception quality of data communicated from the radio transmitting apparatus to the radio receiving apparatus.

The Office Action proposes that Khan also discloses this subject matter. (See Office Action page 3, lines 4-7.)

However, the Applicants respectfully disagree with the position taken in the office action and note that Khan merely discloses transmitting a suspend signal based on conditions that tend to create an overflow in a reception buffer of a data reception apparatus (see Khan paragraph [0017], lines 1-4). More specifically, Khan discloses transmitting a suspend signal

when the reception buffer is filled beyond a threshold or when the buffer overflows (see paragraph [0017], lines 4-7, and paragraph [0022], lines 10-16). It is readily apparent that Khan's disclosure of determining the occurrence of buffer overflow or potential overflow is not the same as, nor does it suggest, the Applicants' claimed subject matter of measuring the reception quality of received data.

The Applicants note that, although Khan discloses that a user equipment (UE) communicates a channel quality indicator (CQI) to a Node B, this CQI has no effect whatsoever on whether a suspend signal is communicated.

Moreover, claim 8 recites transmitting a NACK signal to a transmitting apparatus if an error is detected in a received data packet.

By contrast, Khan does not disclose or suggest communicating a NACK signal if an error is detected.

Accordingly, for at least the above reasons, the Applicants respectfully submit that Khan does not anticipate the subject matter defined by claim 8.

Independent claim 13 similarly recites the above-mentioned subject matter distinguishing apparatus claim 8 from Khan's disclosure, but does so with respect to a method. And independent claims 18 and 19 similarly recite generating a suspension command based on a measured reception quality. Therefore, it is submitted that the rejections applied to claims 18 and 19 are obviated, and allowance of claims 8, 13, 18, and 19 and all claims dependent therefrom is deemed to be warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

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JEL/DWW/att

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